

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	}	
Interpretation of the Terms "Multichannel	}	
Video Programming Distributor" and	}	MB Docket No. 12-83
"Channel" As Raised in Pending Program	}	
Access Complaint Proceeding	}	

**REPLY COMMENTS OF 2C CORPORATION**

2C Corp. is a media company creating a series of niche broadband interactive web channels around a marketing strategy based on selected demographic audiences and potential sponsors. Each of the channels utilizes content created with high definition video and sound to gratify the interests of a specific demographic audience. The channels are strategically selected and designed to be integrated to coalesce as a true interactive Internet network. Each of the niche channels is structured to enable a community of the audience in which members can exchange their thoughts, their techniques, and their videos related to the interest around which the channel is designed.

NY2C is the first of the channels to be created by 2C Corp., with others planned for the future. While channels produced by 2C Corp. may be considered to compete for the Internet user's time, the distribution platform on which the Company delivers its content is capable of allowing the channels to link to each other. The 2C Corp channels

are therefore much more than typical Internet sites. They deliver a lively, comprehensive experience in interactive high definition video.

2C Corp submits the following Reply Comments for consideration in the context of the subject proceeding.

### **MVPD Rule Making Inquiry**

The Commission has issued its *Public Notice* in the instant proceeding seeking public comment on the most appropriate interpretations of (i) “channel” as used in the definition of the term “MVPD” to include the provision of a transmission path, thus treating as MVPDs only those entities that make available for purchase multiple streams of “video programming” as well as the transmission path; or (ii) interpreting “channel” as used in the definition of the term “MVPD” to provide that any entity that makes multiple “video programming networks” available for purchase is considered an “MVPD” without regard to whether it makes available a transmission path for purchase.

### **Policy Objectives Proposed by 2C Corp.**

As the creator, producer, marketer and direct and indirect distributor of multiple channels of video programming, 2C Corp requests that the Commission adopt an expansive and all-inclusive definition of MVPD to assure the widest possible distribution of program content via all available media platforms.

With the development and wide scale installation of telecommunications infrastructure, it has become possible for two thirds of individuals in the U.S. to have ready access to the Internet via broadband facilities. 2 C Corp. believes that the Commission must adopt policies designed to assure that the nation's basic broadband infrastructure is expanded to universal coverage, allowing all citizens to access the Internet. One way this objective can be realized is by requiring that all cable companies and competing providers supply subscribers as part of their basic service a direct connection to the Internet.

2C Corp believes that the Commission's operative rules and policies should assure that MVPD delivery services be required to provide subscribers with access to the Internet on a non-discriminatory, no charge basis where such channels are not available "for purchase." The objective of such a policy must be to permit the widest possible distribution of multiple channels where no separate purchase or use fee is required. This policy will assure that the full advantages of the Internet are enjoyed by consumers on a universal basis.

### **Specific Rule Proposals**

The term "multichannel video programming distributor" ("MVPD") is defined broadly in Section 602(13) of the Communications Act of 1934 (the "Act") as "a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program

distributor, *who makes available for purchase*, by subscribers or customers, multiple channels of video programming” (emphasis added).

The definition is expressly flexible, open-ended, and not limited to the then-current technology. By its plain terms, it can be concluded that the definition is broad enough to encompass entities that distribute multiple linear streams of video programming to subscribers by means of a broadband Internet connection rather than via cable, satellite, telco, or microwave.

However, 2 C Corp believes that the policy should be altered to require that the “for purchase” term be redefined to state: “makes available for separate purchase.” This will make certain that only those multiple channels offered for separate purchase by the distributor will come within the operative MVPD policy. Exempted will be all multiple channels that do not exact a separate charge for their multiple services, such as those offered by 2C Corp.

Also exempted would be any direct link to the Internet, where no separate multiple channel fee is charged to the subscriber. 2C Corp, directly and through its predecessor affiliated company, has long advocated the adoption of rules by the Commission that would expressly require cable companies to provide direct connection to the Internet for no additional fee charge where so requested by subscribers. Such a policy would greatly advance the goal of extending broadband access to all Americans.

For the foregoing reasons, 2C Corp. respectfully requests that the Commission interpret the term “multichannel video programming distributor” as it is defined in Section 602(13) of the Act to encompass all entities that distribute multiple streams or networks of linear video programming to subscribers, including those that distribute that

programming via the Internet, but specifically exempting all multiple channel services that do not exact a separate charge or fee.

## **Conclusion**

2C Corp therefore proposes that the Commission interpret the term “multichannel video programming distributor” as it is defined in Section 620(13) to encompass all entities that distribute multiple streams or networks of linear video programming to subscribers, but specifically exempting those that deliver that programming via the Internet, where offered on a “no purchase” basis.

Additionally, and most importantly, 2C Corp requests that the Commission exempt from the Section 620(13) definition any single channel used by a cable company or other similar carrier to provide direct access to the Internet. Furthermore, in adopting the Internet access exemption, the Commission is requested to direct that any cable company or similar carrier operating in a market not currently served by a broadband carrier be required to dedicate one channel of its system to serve as a direct connection to the Internet to be offered without separate charge.

Respectfully submitted,

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